

Applicant: GINZBURG, Boris  
Serial No.: 10/668,173  
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### REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the following remarks.

#### Status of Claims

Claims 1-27 are pending in this application. Claims 10 and 19 have been amended. It is respectfully submitted that no new matter has been added.

#### Claim Rejections

##### 35 U.S.C. § 102 Rejections

In numbered paragraphs 1-2 on pages 2-5 of the Office Action, the Examiner rejected Claims 1-18 and 22-27 under 35 U.S.C. § 102(e) as being anticipated by Peng et al. (US Publication No. 2004/0093421). Applicant respectfully traverses the rejection of Claims 1-18 and 22-27 under 35 U.S.C. § 102(e) as being anticipated by Peng in view of the remarks that follow.

Independent Claims 1, 10, 22 and 25 include, inter alia, "estimating a number of active stations in a communication network based on a number of stations from which transmissions are received during a pre-defined time period [and] adapting a size of a contention window of a collision avoidance mechanism based on the estimated number of active stations of said communication network". It is respectfully submitted that Peng does not teach these features.

Peng does not teach or suggest estimating a number of active stations in a network based on a number of stations from which transmissions are received during a pre-defined time period. Peng also does not teach or suggest using this estimated number of stations to adapt a size of a contention window of a collision avoidance mechanism. Peng teaches how to calculate "a collision related parameter k that designates the ratio of the collision time length and the idle time length of the wireless channel according to equations (4), (5), and (6) below". (Paragraph [0054], Lines 2-5). Thus, the collision related parameter k is a ratio of the amount of time the channel is busy to the amount of

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time the channel is idle (Peng, Paragraph [0054], Lines 18-19). While  $k$  is shown to depend on  $N$ , the number of active nodes in the network, (Peng, Equations 13, 14, 18, 19 and Paragraph [0060], Lines 4-5) Peng is absent any teaching of how  $N$  is determined. In fact, the only reference to selecting a value for  $N$  is a simulation in which  $N$  is predetermined (Peng, Paragraph [0077] and Table I). Thus, Peng does not teach or suggest the claimed "estimating a number of active stations in a communication network based on a number of stations from which transmissions are received during a pre-defined time period".

Similarly, since Ping teaches that the size of the contention window is determined by  $k$  (Paragraphs [0019] and [0022]), Peng also does not teach or suggest the claimed "adapting a size of a contention window of a collision avoidance mechanism based on the estimated number of active stations of said communication network".

It is therefore respectfully submitted that independent Claims 1, 10, 22, and 25 are not anticipated by Peng. Each of Claims 2-9, 11-18, 23-24, and 26-27 depends from one of independent Claims 1, 10, 22, and 25 respectively and is therefore likewise patentable.

The rejection of Claims 1-18 and 22-27 under 35 U.S.C. § 102(e) as being anticipated by Peng is therefore requested to be withdrawn.

#### 35 U.S.C. § 103 Rejections

In numbered paragraphs 3-4 on pages 5-6 of the Office Action, the Examiner rejected Claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of Guo et al. (US Publication No. 2004/0170150). Applicant respectfully traverses the rejection of Claims 19-21 under 35 U.S.C. § 103(a).

Independent Claim 19 includes, inter alia, "a processor to estimate a number of active stations in a communication network based on a number of stations from which transmissions are received during a predefined time period [and] to adapt a size of a contention window of a collision avoidance mechanism based on the estimated number of active stations of the communication network". As discussed above in reference to Claims 1, 10, 22, and 25, the claimed material is not taught or suggested by Peng. It is respectfully submitted that the addition of the teachings of Guo does not cure the

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deficiencies of Peng which have been expressed above regarding Claims 1, 10, 22, and 25. Therefore, it is respectfully submitted that independent Claim 19 is patentable.

Each of claims 20 and 21 depends from claim 19 and includes all the limitations of that claim, and is therefore likewise allowable.

Applicant respectfully requests that the Examiner withdraw the rejection of Claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of Guo.

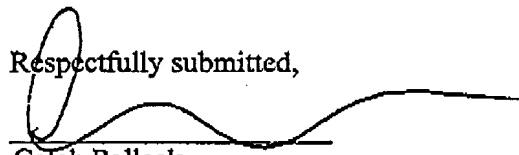
### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application.

No fees are believed to be due in connection with this paper. However, if any additional fees are due in connection with this paper, please charge deposit account No. 50-3355.

Respectfully submitted,



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